

EXHIBIT 3

CONFIDENTIAL—All portions of this packet

October 21, 2016

APPEAL

N.J. Civil Service Commission
Division of Merit System Practices and Labor Relations
Written Record Appeals Unit
P. O. Box 312
Trenton, NJ 08625-0312

Re: Appeal of Kean University letter of determination dated 10/6 (with a 10/12/16 Pitney Bowes stamp, no postmark, received 10/18/16) regarding the N.J. State Policy Prohibiting Discrimination in the Workplace (hereinafter Kean and Policy)

Dear Sir/Madam:

I appeal Kean's purported letter of determination (attached at **Exhibit F**) regarding the above-referenced because I am innocent. Kean violated the Policy and the Policy's Model Procedures, misusing the Policy as a pretext to replace me. Enclosed please find the \$20 cheque as the filing fee, a copy of the letter of determination and my documents substantiating why you should grant my appeal and reverse Kean's decision.

Said letter proves Kean did not consider in its decision my supporting documents, including:

- (1) unsolicited letters and synopsis comments from students who support me and enjoy my class (attached at **Exhibit A1, 2, 3**),
- (2) letters from my attorneys dated 5/18 and 8/5 seeking information from Kean and objecting to Kean's one-sided "investigation" (attached at **Exhibit B1 & B2**), responding to Kean's 5/2 and 7/18 letters respectively (attached at **Exhibit C1 & C2**), my requests for information (attached at **Exhibit B3**), and
- (3) 7-page Statement in Lieu of Meeting outlining why I am not in violation of the Policy (attached at **Exhibit D**).

Kean's failure to examine my documents underscores Kean's biased, incomplete "investigation" which is nothing more than a sham to justify its predetermined outcome against me. I never discriminated against anyone and I did not violate the Policy. Kean's decision should therefore be reversed.

Additionally, Kean bungled its "investigation" at many junctures, including by including in its letter of determination my separately-filed Complaints under the Policy against Kean. The Policy mandates that Kean commence a separate investigation. My Complaints were filed on 9/15/16 with Kean's Affirmation Action Director, Mr. Charlie Williams (and elsewhere due to Kean's official's conflict of interest). See **Exhibit E1 & E2**. Kean appears to have made a predetermined decision regarding those Complaints, too, thus violating the Policy and my rights.

In addition to the above, in a nutshell, this appeal concerns Political Correctness Gone Awry. Kean misused the Policy to (1) promote its extreme political correctness agenda, (2) punish and replace me for teaching critical thinking, all sides of debate points, questions (not just politically

correct ones), (3) squelch free speech, and (4) retaliate against me for filing Complaints against Kean under the Policy. Kean, with its "kangaroo court" discriminatory "investigation" violated the Policy unchecked.

In addition to the above reasons, Kean's decision should be reversed because:

1. Kean allowed Policy violators to conduct and decide the outcome of what appears to be a "rigged" "investigation"; Kean should have removed them (including Kean Affirmative Action Officer, and others) from the "investigation" due to their conflict of interest because they were named in the Complaints,
2. Kean failed to seek my input in a timely, fair and professional manner,
3. There was never a hearing,
4. Kean kept me in the dark for four months; sent me unsubstantiated allegations per its 7/18/16 letter despite my 3/29 and continual requests for information,
5. Kean acted in a biased, discriminatory manner against me while simultaneously violating my due process, free speech and other rights; allowed its officials and students to violate the Policy and to discriminate against me,
6. Debate points, questions and critical thinking are not discrimination--thus no Policy violation occurred,
7. Kean violated the Policy specifically at:
 - a. Article XI (Training) because Kean failed to train and retrain me and other Kean employees as the Policy requires,
 - b. Article V (Dissemination) because Kean failed to distribute the Policy to me and to other Kean employees,
 - c. Article VI (Complaint Process) because Kean started an investigation without notifying me or providing me with any reasons regarding why Kean locked me out of my classroom at the end of my class in the middle of the semester, Kean failed to indicate who made allegations against me, what allegations, etc.,
 - d. Article VII (Prohibition Against Retaliation), because Kean made an unfavorable determination against me as retaliation for my filing two Complaints under the Policy against several Kean University officials including Kean's attorney, Assistant Dean, Affirmative Action Director, etc.,
 - e. Article VIII (False Accusations and Information) because the information is false because I never discriminated against anyone—all sides of debates are apparently deemed politically incorrect by Kean,
 - f. Articles VIII, Ib, etc. (False Accusations and Information, etc.) because this Policy is for Kean employees, not for students to utilize to have professors replaced; (even if students were covered, articulating a debate point that disagrees with someone's known or unknown viewpoint is not discrimination),
 - g. Article IIa because I never treated anyone differently, I did not discriminate against anyone, I did not demean anyone, each student in my class got the grade they earned. Kean replaced me halfway through the semester and discarded the earned grades. Kean gave students a "free pass" to replace me and their grades,
 - h. Article 12b of the Policy's Model Procedures by failing to issue its letter of determination within 120 days of the initial Complaint; due date was about July

- 13, 2016; Kean stamped their letter with Pitney Bowes 10/12/16 and I received it on 10/18/16 which is 66 days late in violation of said Policy and Procedures,
- i. Article 9 of Policy's Model Procedures by failing to conduct a "...prompt, thorough, and impartial investigation...."; Kean's "investigation" is an underhanded excuse for its predetermined mission to replace me, and
- j. Article 12a of Policy's Model Procedures by failing to list all of the facts, and how the alleged students' complaints were substantiated, etc.
8. Kean has based its one-sided "investigation" solely on the "twisted" word of a couple of disgruntled, biased students who convinced others to join their "bandwagon of hate, lies and discrimination" against me, and with no other evidence than baseless hate, lies and discrimination and without Kean ever having observed my class,
9. Kean ignored all of the students who enjoyed my class, teaching style and my teaching, and failed to consider their opinions when making Kean's flawed "determination",
10. If Kean officials had observed my class, they would see the debate point structure in action and see that students are fabricating (like the Americans in the 2016 Summer Olympics with their united, fabrication story); it appears these biased students' goal was to "get a free pass from Kean," to replace me and their grades,
11. Kean has determined a violation without evidence or proof of any kind; Kean has taken the word of biased, disgruntled students (or Kean puppets) who have discriminated against me for my age, marital status, gender, ethnicity, etc., as enumerated in my Complaints filed with Kean,
12. Kean never investigated the age, gender and other discrimination by these students and by its officials against me; they called me "old", they discriminated against my gender (e.g. in my providing a debate point side mentioning women have the option to ask a man to change a flat tire, etc.)—See Exhibits D & E; **apparently, Kean believes the Policy only works one way—Kean officials and students are permitted to discriminate against me and I have no rights under the Policy because Kean biasedly acts as judge and jury,**
13. Kean has violated my academic freedom, freedom of speech, due process and other rights which allow me to teach debate points/questions in my class, all of them related to content in my law course; instead Kean "twists" and illegally uses the Policy as a sham excuse to replace me,
14. Kean's violation of the Policy and Model Procedures is evidenced by Kean's (a) locking me out of my classroom prior to getting my input into any so-called "investigation", (b) refusing to supply me with the alleged students' identities, (c) ignoring letters/memo sent on my behalf, and (d) ignoring my multiple requests for information including but not limited to what are the allegations, copies of what Kean received as "complaints" in their original mediums (e.g. letters, emails, etc.) and copies (oral, written, etc.) of whatever Kean sent students regarding me/my class, and other information,
15. Kean's erroneous determination which fails to hold Kean to the zero tolerance standard regarding its violation of my marital status under the Policy, thus further illustrating its inability to be impartial. Kean failed to note that Webster's New World College Dictionary defines "Ms." as "a title free of marital status." I have a marital status and title—it's married and "Mrs.", and I find "Ms." to be very offensive, and
16. The Policy is unconstitutionally overbroad and vague.

Most alarmingly, Kean made up its mind against me prior to conducting its discriminatory, biased "investigation." Kean removed me under false pretenses, and with a predetermined decision prior to "investigating," declared a Policy violation based on unsubstantiated, predetermined and what appear to be "rigged" conclusions. I never had a hearing. Thus Kean has acted in an unconstitutional, discriminatory, political way which is in a word—un-American.

SPECIFIC RELIEF REQUESTED—To have Kean's letter of determination reversed, and for monetary pay for the 2016—2017 school year, and to have an apology letter signed by all perpetrators of Kean's "kangaroo court" "investigation."

I trust that the State of New Jersey Civil Service Commission will act impartially to stop Kean from this blatant and unfettered misuse of the Policy and Kean's deliberate attempt to ruin my reputation. I appeal to you to reverse Kean's letter of determination and its predetermined, apparently "rigged" decision against me. Thank you for your attention to this matter.

Very truly yours,



Mrs. Cheryl Borowski, Adjunct Professor

Enclosures

Cc: Kean University (enclosures previously sent)